

`HON`BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.3170 of 1998

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Between

Mrs.Beena Selvaraj

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..Petitioner

AND

Kasturba Gandhi College for Women represented ..Respondents
by its Honorary Secretary and another

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:: JUDGMENT ::

18.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.3170 of 1998

The present writ petition has been instituted seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to graciously issue a writ or order or direction more particularly one in the nature of writ of mandamus directing the first respondent to promote me to the post of Lecturer from 1984 and consequently direct the first respondent to pay the arrears of salary, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The case of the petitioner is that she had been selected by the first respondent College as a Lab Assistant in its Botany Department, but however, since the writ petitioner had secured the post graduate degree of M.Sc., in Botany from Osmania University and having passed the same with 67% of marks, she became to be appointed as a Lecturer later on in the same college. Entertaining a grievance that her conditions of service and the pay in particular have not been regulated from the year 1984 onwards, the present writ petition came to be instituted.

The learned Government Pleader submitted that unless the candidate possesses post graduate decree, the question of extending the benefit of scale of pay of a Lecturer would not arise and in fact, she had pointed out that the case of the

petitioner along with other similarly placed Teachers had been considered by the Government and orders have been passed through G.O.Ms.No.123, Higher Education (CE.II-2) Department dated 3.12.2001 redressing the grievance of the writ petitioner. It will be useful to extract the contents of the G.O.Ms.No.123 dated 3.12.2001:

“In the G.O. first read above, orders were issued that the 44 Laboratory Assistants working in Private Aided Colleges of Osmania / Kakatiya University areas and who are qualified for the post of Demonstrators be re-designated as Demonstrators on par with the staff of taken over Colleges by the Government on the analogy of orders issued in G.O.Ms.No.27.5.1986 and their pay may be fixed as per G.O.Ms.No.520 Edn., 15.12.1988. The Pay fixation formula indicated in Education Department Memo No.527/HE.2/94-2, Education dated 1.10.1994 be followed in this case also.

2. In the letter 2nd read above, the Director of Collegiate Education has requested the Government to issue suitable orders on the request of the converted Lecturers of Telangana area to implement the U.G.C. pay scales of 1986 from 1.1.1986 as in certain cases benefit were given from 1986 vide G.O.Ms.No.237 Edn., dt.27.5.1986 and Government Memo No.683/HE.2/87-5, dated 8.12.1987. In the Memo 3rd read above, orders were issued rejecting the request of the converted Lecturers.

3. Sri K.Narsing Rao and 27 other Demonstrators / Lecturers in their representation 4th read above, among other things requested the Government to consider their cases on the analogy of the orders issued in G.O.Ms.No.237 Edn., dated 27.5.1986.

4. Government have reviewed the request and

found that the request of the Demonstrators and Lecturers of Private Aided Degree Colleges who were converted from the category of Demonstrators, is to apply the benefit of date of conversion w.e.f. 27.5.1986 instead of 15.12.1995 as their counter parts of government taken over degree colleges were given the benefit of conversion w.e.f. 27.5.1986 vide G.O.Ms.No.237 Edn., dated 27.5.1986, in order to avoid disparity in respect of the same orders and decided to accept the request with the monetary benefit with prospective effect only.

5. Accordingly, in supersession of the orders issued in the Govt. Memo 3rd read above, Government hereby direct that the orders issued in G.O.Ms.No.237 Edn., dated 27.5.1986 and Government Memo No.683/HE.2/87-Edn., (HE) Department dated 8.12.1987 be extended to Sri K.Narsing Rao and 27 other Demonstrators and Lecturers (who were converted as Lecturers) in Telangana area, mentioned in the Annexure to this G.O. subject to the condition that the monetary to this G.O. subject to the condition that the monetary benefit shall be given only from the date of issue of this order.

6. The Director of Collegiate Education, Andhra Pradesh, Hyderabad is requested to take necessary further action in the matter.”

In the annexure to the said G.O., the name of the writ petitioner has been included at serial No.19. Therefore, the learned Government Pleader submits that the grievance of the writ petitioner to have pay parity with such of those Teachers who are working in private educational institutions which were taken over by the Government, had been restored with effect

from 27.5.1986 and hence, the grievance of the writ petitioner is redressed. I find from the above that the grievance of the writ petitioner stands redressed through the orders in G.O.Ms.No.123 dated 3.12.2001 and the parity of pay has been restored, but however, the physical payment of the amount has been confined from the date of orders passed by the Government. On that aspect of the matter, there can hardly be any grievance nurtured inasmuch as the policy decision of the State is depending upon various factors including the factor of its financial outlay. Therefore, I do not find any thing irregular or illegal in the State Government trying to confine the financial benefits to flow from the date on which the State Government passed the orders. However, if the writ petitioner still nurtures or entertains any grievance either relating to her pay fixation or payment of the benefits only with effect from the date on which the said G.O.Ms.No.123 was issued or any other grievance such as seniority etc., to which she is otherwise entitled to get by virtue of the orders passed by the State Government through G.O.Ms.No.123, she may take up the matter by submitting a detailed representation before the Commissioner, Collegiate Education at the earliest, which I have no doubt in my mind, will be considered expeditiously on merits and redressed appropriately.

With this, the writ petition stands disposed of. No costs.

NOOTY RAMA MOHANA RAO.J.

18.4.2007

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